THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.26524 of 2005

Dated 16-12-2005

Between:

T.Srinivasulu Reddy.

.. **PETITIONER**

AND

Andhra Pradesh State Road Transport Corporation and another.

.. RESPONDENTS

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ORDER:

The petitioner is serving the APSRTC as a Conductor at the Venkatagiri Depot. On 05-12-2005, he was on the duty on a service from Karur to Naidupet. The route is in the shape of “T” requiring that on part of it, the service must make to and fro trips. The petitioner was placed on put-off duty through proceedings dated 06-12-2005 on the allegation that he did not touch the Dwarakapuram village on 05-12-2005.

The petitioner states that during the relevant week there were heavy rains in Nellore District and since the road leading to Dwarakapuram was not motorable on account of floods, with the consent of the passengers and driver, he has cut short the trip. The petitioner states that his explanation was not called for before the impugned order was passed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for A.P.S.R.T.C.

The only allegation against the petitioner is that he did not ensure that the bus conducted by him on 05-12-2000 did not cover the entire route. It is true that the employer is not under an obligation to issue a notice before placing an employee under suspension or on put-off duty. However, where the suspension is on the basis of an assumption, necessary facts need to be verified from the concerned employee. The ultimate decision may rest with the employer. Suspending an employee on the basis of presumption and surmises without even ascertaining the basic facts cannot be sustained in law. In a given case, the explanation offered by the employee may appeal to the employer himself. In the instant case, neither any acts of mis-conduct nor any misappropriation is alleged.

For the foregoing reasons, the writ petition is allowed and the impugned order is set aside. It is, however, left open to the respondents to pass fresh order after ascertaining the relevant facts from the petitioner. No order as to costs.

12-12-2005

Prv